

ORDINANCE NO. 2001 - 037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 01-80 COM 1 (UHLEY 2/STATE ROAD 7), MODIFYING PAGE 80 OF THE FLUA BY CHANGING AN APPROXIMATELY 11.87 ACRE PARCEL OF LAND, GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROAD 7 / US 441 AND LANTANA ROAD, FROM LOW RESIDENTIAL, 1 UNIT PER ACRE (LR-1) ON 11.41 ACRES AND COMMERCIAL LOW, WITH AN UNDERLYING 1 UNIT PER ACRE (CL/1) ON 0.27 OF AN ACRE TO INDUSTRIAL (IND) AND FROM LOW RESIDENTIAL, 1 UNIT PER ACRE (LR-1) TO COMMERCIAL LOW (CL) ON 0.19 OF AN ACRE, SUBJECT TO A CONDITION; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, Palm Beach County received on July 1, 2001 the  
2 Department of Community Affairs "Objections, Recommendations, and  
3 Comments Report," dated June 29, 2001 which was the Department's  
4 written review of the proposed Comprehensive Plan amendments; and

5           WHEREAS, the written comments submitted by the Department of  
6 Community Affairs contained no objections to the amendments contained  
7 in this ordinance;

8           WHEREAS, on August 27, 2001 the Palm Beach County Board of County  
9 Commissioners held a public hearing to review the written comments  
10 submitted by the Department of Community Affairs and to consider  
11 adoption of the amendments; and

12           WHEREAS, the Palm Beach County Board of County Commissioners has  
13 determined that the amendments comply with all requirements of the  
14 Local Government Comprehensive Planning and Land Development  
15 Regulations Act.

16           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18           Part I. Amendments to the Future Land Use Atlas of the Land Use  
19 Element of the 1989 Comprehensive Plan

20           The following amendment to the Land Use Element's Future Land Use  
21 Atlas is hereby adopted and is attached to this Ordinance:

22           A.     Future Land Use Atlas page 80 is amended as follows:

23           Application No.:       01-80 COM 1 (Uhley 2/State Road 7)

24           Amendment:           From Low Residential, 1 unit per acre (LR-  
25                                   1) on 11.41 acres and Commercial Low, with  
26                                   an underlying 1 unit per acre (CL/1) on  
27                                   0.27 acres to Industrial (IND); and  
28                                   From Low Residential, 1 unit per acre (LR-  
29                                   1) to Commercial Low (CL) on 0.19 of an  
30                                   acre;

31           General Location:      Northwest corner of the intersection of  
32                                   State Road 7 / US 441 and Lantana Road;

33           Size:                 Approximately 11.87 acres;

34           B.     Condition: This parcel is subject to the following  
35                   condition:

1                   1.     The industrial portion of the site shall be limited to  
2                             uses within the Light Industrial zoning category,  
3                             excluding the following conditional uses, which shall  
4                             be prohibited:

- 5                   a)     Excavation, Type III  
6                   b)     Heavy Industry  
7                   c)     Mining, excavation Type III A  
8                   d)     Restaurant, fast food  
9                   e)     Truck Stop  
10                  f)     Mining, excavation Type III B  
11                  g)     Vehicle sales and rental  
12                  h)     Flea market, open  
13                  i)     Convenience Store, with gas sales  
14                  j)     Automotive service station  
15  
16  
17  
18

19                   **Part II. Repeal of Laws in Conflict**

20                   All local laws and ordinances applying to the unincorporated area  
21                   of Palm Beach County in conflict with any provision of this ordinance  
22                   are hereby repealed to the extent of such conflict.

23                   **Part III. Severability**

24                   If any section, paragraph, sentence, clause, phrase, or word of  
25                   this Ordinance is for any reason held by the Court to be  
26                   unconstitutional, inoperative or void, such holding shall not affect  
27                   the remainder of this Ordinance.

28                   **Part IV. Inclusion in the 1989 Comprehensive Plan**

29                   The provision of this Ordinance shall become and be made a part  
30                   of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
31                   Ordinance may be renumbered or relettered to accomplish such, and the  
32                   word "ordinance" may be changed to "section," "article," or any other  
33                   appropriate word.

34                   **Part V. Effective Date**

35                   The effective date of this plan amendment shall be the date a  
36                   final order is issued by the Department of Community Affairs or  
37                   Administration Commission finding the amendment in compliance in  
38                   accordance with Section 163.3184, Florida Statutes, whichever occurs  
39                   earlier. No development orders, development permits, or land uses  
40                   dependent on this amendment may be issued or commence before it has

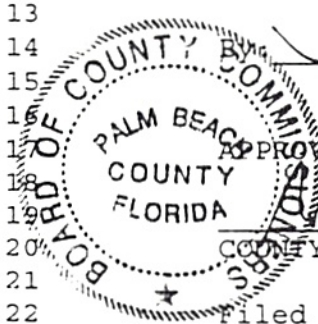


1 become effective. If a final order of noncompliance is issued by the  
2 Administration Commission, this amendment may nevertheless be made  
3 effective by adoption of a resolution affirming its effective status,  
4 a copy of which resolutions shall be sent to the Department of  
5 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak  
6 Boulevard, Tallahassee, Florida 32395-2100.

7 APPROVED AND ADOPTED by the Board of County Commissioners of  
8 Palm Beach County, on the 27 day of August, 2001.

9  
10 ATTEST:  
11 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

12  
13  
14  By Joan Hawley Deputy Clerk By Warren H. Newell Chairman  
15  
16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
17 Robert P. B...  
18 COUNTY ATTORNEY  
19  
20  
21  
22 Filed with the Department of State on the 6th day  
23  
24 of September, 2001.

T:\PLANNING\AMEND\01-1\admin\Bccadopt\Ordinances\Uhley-ord.trf

## EXHIBIT 1

Future Land Use Atlas page 80 is amended as follows:

**Amendment No.:** 01-80 COM 1(Uhley 2 / State Road 7)

**Amendment:** **Parcel A:** From Low Residential, 1 unit per acre (LR-1) on 11.41 acres and Commercial Low, with an underlying 1 unit per acre (CL/1) on 0.27 of an acre to Industrial (IND); and  
**Parcel B:** From Low Residential, 1 unit per acre (LR-1) to Commercial Low (CL) on 0.19 of an acre.

**Location:** Northwest corner of the intersection of State Road 7 / US 441 and Lantana Road.

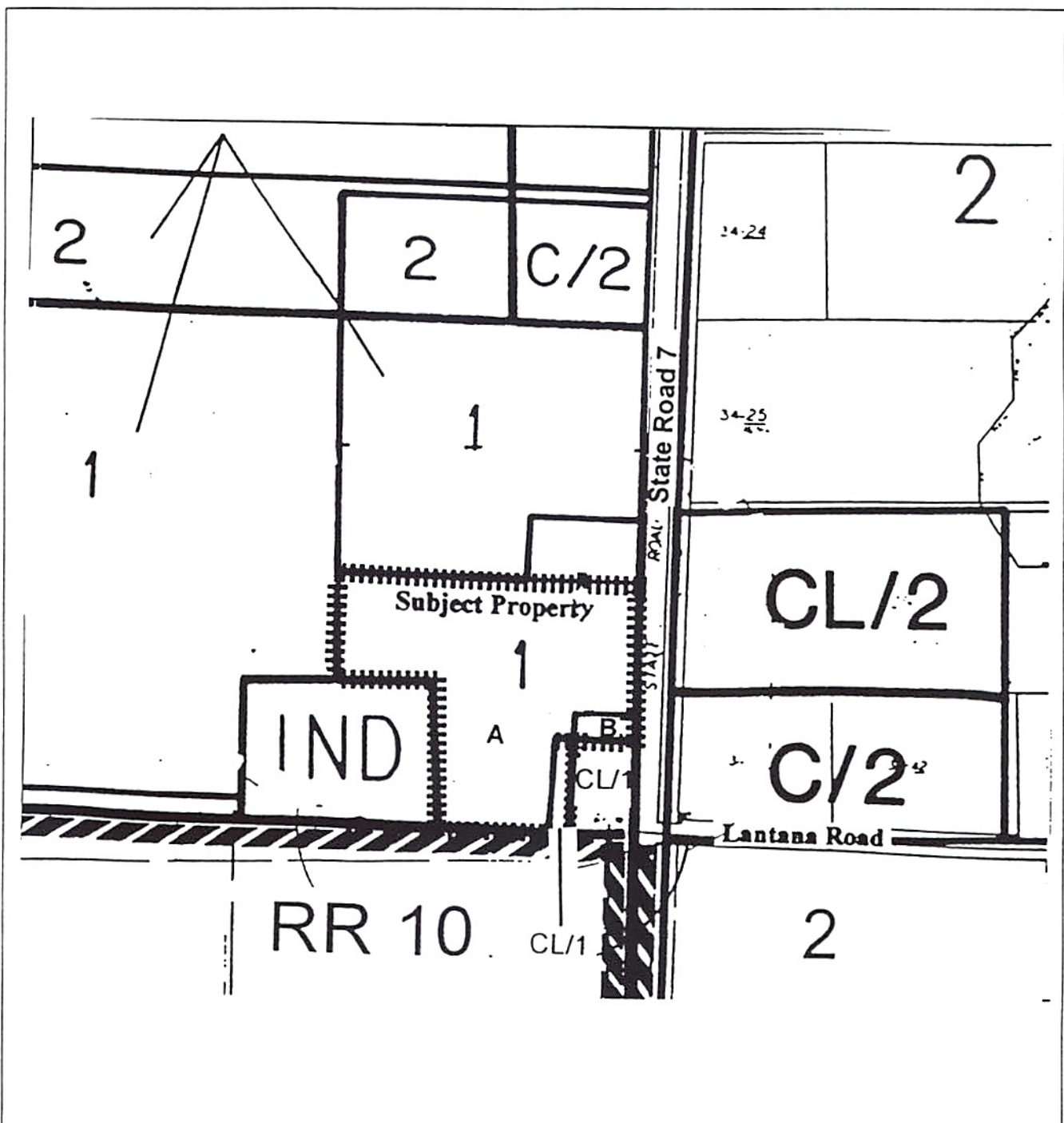
**Size:** Approximately 11.87 acres

**Property No.:** 00-42-43-27-05-035-0251

**Legal Description:** See attached

**Condition:** The industrial portion of the site shall be limited to uses within the Light Industrial zoning category, excluding the following conditional uses, which shall be prohibited:

- |                                |                                    |
|--------------------------------|------------------------------------|
| •Excavation, Type III          | •Truck Stop                        |
| •Restaurant, fast food         | •Heavy Industry                    |
| •Vehicle sales and rental      | •Flea market, open                 |
| •Mining, excavation Type III A | •Mining, excavation Type III B     |
| •Automotive service station    | •Convenience Store, with gas sales |



**LEGAL DESCRIPTION:**

**Parcel A:**

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3589 AT PAGE 0689 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL LESS THE RIGHT-OF-WAY OF STATE RD. #7 AS SHOWN ON THE STATE OF FLORIDA'S DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP #93210-2525, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL; THENCE NORTH 89°32'49" EAST (BASIS OF BEARINGS) ALONG THE NORTH LINE OF SAID PARCEL 884.87' FEET TO THE RIGHT-OF-WAY OF STATE RD. #7; THENCE SOUTH 1°28'04" WEST ALONG SAID RIGHT-OF-WAY 486.81' FEET; THENCE NORTH 88°33'35" WEST, 270.00' FEET; THENCE SOUTH 1°28'04" WEST, 432.00' FEET; THENCE NORTH 88°33'35" WEST, 247.78' FEET; THENCE NORTH 0°26'56" WEST, 484.26' FEET; THENCE SOUTH 89°34'04" WEST, 336.57' FEET; THENCE NORTH 0°26'56" WEST, 416.80' FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 11.676 ACRES MORE OR LESS.

**Parcel B:**

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3589 AT PAGE 0689 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL LESS THE RIGHT-OF-WAY OF STATE RD. #7 AS SHOWN ON THE STATE OF FLORIDA'S DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP #93210-2525, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL; THENCE NORTH 89°32'49" EAST (BASIS OF BEARINGS) ALONG THE NORTH LINE OF SAID PARCEL 884.87' FEET TO THE RIGHT-OF-WAY OF STATE RD. #7; THENCE SOUTH 1°28'04" WEST ALONG SAID RIGHT OF WAY 486.81" FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 1°28'04" WEST, 32.00' FEET; THENCE NORTH 88°33'35" WEST, 270.00' FEET; THENCE NORTH 1°28'04" EAST, 32.00' FEET; THENCE SOUTH 88°33'35" EAST, 270.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 0.198 ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 27, 2004.  
DATED at West Palm Beach, FL on 9/26/04.  
DOROTHY H. WILKEN, Clerk  
By: Klaine Brown D.C.